IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3598 OF 2005

The State of Maharashtra ...Applicant
V/s.
Nivrutti Kondaji Pande & Ors. ...Respondents

Mr.Y.M.Nakhawa, APP for Applicant-State.
Mr.Pratap Patil for Respondent No.2.

CORAM : V.M. KANADE, J.

DATED : AUGUST 14, 2007

P.C. :-

. Heard the learned APP for the State and the learned Counsel for the respondent.

2. The State has filed this appeal against acquittal being aggrieved by the Judgment and Order passed by the Judicial Magistrate, First Class, Pimpri, whereby the respondents accused were acquitted of the offence punishable under Sections 325, 504 read with Section 34 of the IPC.

3. I have perused the impugned order. The trial Court has considered the evidence on record and has come to the conclusion that the injuries which were caused to

the complainant were during a scuffle which had taken place between the complainant and the accused. It has also noticed that there was a civil dispute which was pending in the Civil court between the parties and thirdly, it has observed that there is discrepancy in the evidence of the PW1 and 2 in respect of injury caused to PW3 and taking into consideration the said evidence, has acquitted the accused.

4. In my view, there is no reason to take a contrary view. No case is made out by the prosecution for granting leave. Leave is refused.

5. Appeal is dismissed.

(V.M. KANADE, J.)